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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/347,947	07/06/1999	CHRISTOPHER J. LORD	042390.P5679	4568

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EXAMINER

HARRIS, TIA M

ART UNIT PAPER NUMBER

2615

DATE MAILED: 04/06/2004

14

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

09/347,947

**Applicant(s)**

LORD ET AL.

**Examiner**

Tia M Harris

**Art Unit**

2615

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 15 January 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-5,8,10-16,20-22,24,28-34 and 36 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-5,8,10-16,20-22,24,28 and 29 is/are allowed.
- 6) ☒ Claim(s) 30-34 and 36 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 1/15/04 has been entered.

### ***Claim Rejections - 35 USC § 101***

Claims 30-34 and 36 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. Claims 30-34 and 36 recite "an annotated video bitstream" that consists of information only, which is non-functional descriptive material.

### ***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claim 30 is rejected under 35 U.S.C. 102(e) as being anticipated by Srinivasan et al (hereafter referred to as Srinivasan) (US 6357042 B2).

Srinivasan discloses an annotated video bitstream comprising video frame data corresponding to a sequence of video frames (col 25, line 60 – col 26, line 2, and lines 20-24) and annotation frames (bitmap thumbnails) between frames of the sequence of video frames,

Art Unit: 2615

the annotation frames being separate and distinct from the video frames, the annotation frames comprising differential information generated based on comparing video information describing a current video frame with stored video information describing the video frame data (col 25, line 60 – col 26, line 11, and lines 20-27). Detecting natural scene change clearly involves comparing a current video frame with a previous video frame that has been stored, the stored frame being video information describing video frame data.

***Allowable Subject Matter***

3. Claims 1-5, 8, 10-16, 20-22, 24, 28-29 are allowed.
4. The following is an examiner's statement of reasons for allowance: the examiner found no prior art cited in its entirety, nor based on the prior art found any motivation to combine references to teach, in combination with the other limitations of the base claims, a method of annotating video data, an apparatus for annotating video data and a machine-readable medium having stored thereon data representing instructions which, when executed by a machine, cause the machine to annotate video data, the apparatus being used to perform the method steps of accepting video frame data from a video source, gathering video information distinct from and describing the video frame data and storing the video information, comparing video information describing a current video frame with the stored video information, generating differential information based on the comparing, and inserting the differential information as annotation frames between frames of the sequence of video frames, the annotation frames being separate and distinct from the video frames.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Art Unit: 2615

**Conclusion**

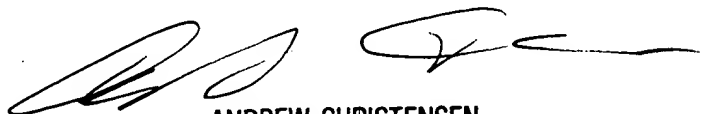
5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Okayama et al (US 2003/0122941 A1) discloses a video capture device used in detecting scene change in a sequence of video frames. DeVries et al (US 6332144 B1) discloses a technique for annotating media, one or more particular times within a period defined by a start time and end time of a media stream. Matsumoto et al (US 6590608 B2) discloses a method and apparatus for managing a plurality of images, which includes annotating differential information detected in a sequence of video frames as annotation frames in the video sequence.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tia M Harris whose telephone number is 703-305-4807. The examiner can normally be reached on M-F 8:30 am - 6:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Christensen can be reached on 703-308-9644. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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4/3/04



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